

1 Lawrence J. Semenza, III, Esq., Bar No. 7174
Email: ljs@skrlawyers.com
2 Christopher D. Kircher, Esq., Bar No. 11176
Email: cdk@skrlawyers.com
3 Jarrod L. Rickard, Esq., Bar No. 10203
Email: jlr@skrlawyers.com
4 Katie L. Cannata, Esq., Bar No. 14848
Email: klc@skrlawyers.com
5 SEMENZA KIRCHER RICKARD
6 10161 Park Run Dr., Ste. 150
7 Las Vegas, Nevada 89145
Telephone: (702) 835-6803
8 Facsimile: (702) 920-8669

9 *Attorneys for Plaintiffs Sarah Simmons, Aaron McAllister,*
10 *ROI-IT, LLC and all others similarly situated*

11
12 **UNITED STATES DISTRICT COURT FOR THE**
13 **DISTRICT OF NEVADA**

14 SARAH SIMMONS, an individual; AARON
15 MCALLISTER, an individual; ROI-IT, LLC, a
Nevada limited liability company on behalf of
themselves and all others similarly situated,

16
17 Plaintiffs,

18 v.

19 CACHET FINANCIAL SERVICES, a
California corporation; FINANCIAL
20 BUSINESS GROUP HOLDINGS, a California
corporation; MYPAYROLLHR LLC, a
21 Delaware limited liability company; CLOUD
22 PAYROLL, LLC, a Delaware limited liability
company; VALUEWISE CORP., a Delaware
23 corporation; MICHAEL MANN, an individual;
24 NATIONAL PAYMENT CORPORATION, a
Florida corporation,

25 Defendants.
26
27
28

Case No.: 2:19-cv-01624-GMN-VCF

**STIPULATION AND ORDER TO
EXTEND TIME TO RESPOND TO
DEFENDANTS' MOTION TO
DISMISS**

1 This stipulation is entered into by Plaintiffs Sarah Simmons, Aaron McAllister, and ROI-
2 IT, LLC (collectively, "Plaintiffs") and Defendants Cachet Financial Services and Financial
3 Business Group Holdings (together, "Defendants") by and through their respective counsel, with
4 reference to the following facts and recitals:

- 5 a) On November 18, 2019, Defendants filed a Motion to Dismiss, or, in the
6 Alternative, to Change Venue and for a More Definite Statement (the "Motion")
7 pursuant to Federal Rule of Civil Procedure 12(b)(2) and (6), 12(e) and for a change
8 of venue pursuant to 28 USC § 1404(a);
- 9 b) The existing deadline for Plaintiffs to respond to Defendants' Motion is December
10 2, 2019;
- 11 c) The parties have agreed to continue the deadline to respond to the Motion until
12 December 9, 2019 because Plaintiffs will be filing an amended complaint on or
13 before that date, pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), which
14 will in turn render Defendants' Motion moot;
- 15 d) the parties agree that by entering into this stipulation, Defendants have not waived
16 their ability to file a renewed motion to dismiss, not only under 12(b)(6) (failure to
17 state a claim) and 12(e) (more definite statement), but also under 12(b)(2) (personal
18 jurisdiction) and 28 USC § 1404(a) (change of venue) and any other appropriate
19 grounds based on the allegations contained in the amended complaint; and
- 20 e) Plaintiffs have not previously requested an extension of the deadline to respond to
21 the Motion.

22 NOW, THEREFORE, the parties hereby stipulate and agree, subject to Court approval, to
23 the foregoing.

24 ///

25 ///

26 ///

27 ///

28

SEMENZA KIRCHER RICKARD
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
Telephone: (702) 835-6803

1 Nothing in this stipulation shall be construed as a waiver or relinquishment of any party's
2 rights, remedies, objections, or defenses, all of which are expressly reserved.

3 DATED this 26th day of November, 2019.

DATED this 26th day of November, 2019.

4 SEMENZA KIRCHER RICKARD

MCNUTT LAW FIRM, P.C.

6 /s/ Lawrence J. Semenza, III

/s/ Dan McNutt

7 Lawrence J. Semenza, III, Esq. (SBN 7174)

DANIEL R. MCNUTT (SBN 7815)

8 Christopher D. Kircher, Esq. (SBN 11176)

MATTHEW C. WOLF (SBN 10801)

Jarrold L. Rickard, Esq. (SBN 10203)

625 South Eighth Street

Katie L. Cannata, Esq. (SBN 14848)

Las Vegas, Nevada 89101

10161 Park Run Drive, Suite 150

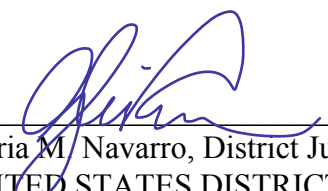
Las Vegas, Nevada 89145

10 *Attorneys for Plaintiffs Sarah Simmons, Aaron*
11 *McAllister, ROI-IT, LLC and all others similarly*
12 *situated*

Attorneys for Defendant
Cachet Financial Services and
Financial Business Group Holdings

13 **IT IS SO ORDERED.**

14 Dated this 26 day of November, 2019.

16
17
18 
19 Gloria M. Navarro, District Judge
20 UNITED STATES DISTRICT COURT
21
22
23
24
25
26
27
28